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January 15, 2016

Via Facsimile and First Class Mail

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MEMO ENDORSED

The Application is granted.

SO ORDERED:

Paul G. Gardephe
Paul G. Gardephe, U.S.D.J.

Dated: *Jan. 20, 2016*

Re: Metropolitan Life Insurance Company v.
Sicoli and Massaro Inc. Pension Trust, et al.
Case No. 1:15-cv-07141

Dear Hon. Gardephe:

USDS SDNY
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The undersigned are attorneys for Plaintiff Metropolitan Life Insurance Company ("MetLife") and Defendant Sicoli and Massaro Inc. Pension Trust ("SMI"), respectively, in the above named action. A pretrial conference was held on December 17, 2015, at which time you directed the parties to explore settlement and report back by January 17, 2016, regarding whether a settlement could be accomplished. If a settlement could not be reached, you requested that the parties provide a briefing schedule for SMI's motion to dismiss or alternatively to transfer venue. You also indicated that an appropriate briefing schedule for SMI's motion would be two weeks for the motion and opposition papers, and one week for the reply papers.

Subsequent to the pretrial conference, counsel for the parties explored settlement during multiple telephone conferences. Unfortunately, although each party was willing to make concessions, the parties remain too far apart on the value of a reasonable settlement to reach an agreement.

Because the parties are unable to reach a reasonable settlement, the undersigned agree to the following briefing schedule for SMI's motion to dismiss or alternatively to transfer venue:

- SMI's motion and supporting papers must be uploaded by February 15, 2016;

- MetLife's opposition to SMI's motion must be uploaded by March 15, 2016;
- SMI's reply in further support of its motion must be uploaded by March 22, 2016;

Please feel free to contact us if you have any questions or would like to discuss this matter further.

Very truly yours,

/s/Michael H. Bernstein
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